

Commercial Arbitration in Cyprus: Law and Practice

[Η Εμπορική Διαιτησία στην Κύπρο: Δίκαιο και Πρακτική]

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Nicosia: Rizes, 2020

pp. 636

ISBN: 9789963243440

This book fills a gap in Cypriot legal literature. Commercial arbitration has long been used and developed in Cyprus, but –so far– guidance could be found only in case law and foreign literature. The gap made practice in this area overtly complicated and time-consuming. It also resulted in notable uncertainties pertaining to several important issues that practitioners are faced with. This new book by Mr Papaefstathiou functions as an important tool to the legal practitioner interested in commercial arbitration and constitutes a significant step towards filling the above-mentioned gap.

The book starts with an elaborate introduction to the origins, meaning and development of arbitration and other forms of alternative dispute resolution in their modern form. The introduction also outlines the basic statutory and constitutional provisions that regulate arbitration in Cyprus. The analysis is practice-oriented, and the structure allows for a quick and easy access. Despite the fact that the book is not written on a dogmatic basis, and is not academic and research-oriented, critical thinking is not absent from this work, as the author has included his personal thoughts and criticisms on several important issues that arise from his examination of the case law.

In the main part of the book, the author begins by addressing important preliminary considerations that arise in arbitration practice, including arbitrability and limitation. This is followed by an analysis of the law on agreements to refer existing or future disputes to arbitration and on the appointment of arbitrators and umpires. The effect of valid arbitration agreements is examined in subsequent chapters, with due regard to the differences between the relevant legislation for domestic and international arbitrations. Another important matter addressed in the book is the reference to arbitration by court order.

The author devotes a whole chapter on interim measures in support of arbitration. This is a complicated and dynamic area in arbitration practice, which practition-

ers are often called to address. The analysis by the author is particularly useful on this matter, summarising the relevant procedures and rules in a well-structured manner.

In subsequent chapters, the author covers all the main issues that are addressed in most authoritative textbooks on this topic. The book includes a chapter on arbitrators' duties and powers, and a separate chapter on court intervention. These are followed by chapters on receiving evidence in arbitration and conducting the hearing. All these matters are analysed from the perspective of an experienced practitioner, in a workable and concise manner.

The last part of the book covers issues in relation to the arbitration agreement, its validity and effect, and court intervention after an award is issued. Special mention is made to certain forms of statutory arbitration. This is followed by an elaborative analysis of the procedural and substantive law on setting aside and enforcing awards, in relation to both domestic and international arbitrations. In the last chapter, the author makes some proposals for the future of arbitration practice in Cyprus.

Overall, this book is useful to practitioners and a starting point for researchers on Cyprus arbitration law. It is supplemented by a well-structured alphabetical index and lists of cases and is generally organised in a manner that makes the book easy to use and quick to search. The book is recommended to all professionals interested in commercial arbitration and can provide guidance to university students studying this subject at an undergraduate or a graduate level.

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